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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,518	03/13/2001	Richard Rebhan	3372-0106P	8871
2292	7590	04/25/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			SALTARELLI, DOMINIC D	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/719,518

Applicant(s)

REBHAN ET AL.

Examiner

Dominic D Saltarelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-24 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/13/01.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 11, 18, and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Regarding claims 11, 18, and 24, the phrase "or the like" renders the claims indefinite because the claims include elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claims unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 12-14 and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Carr et al. (5,608,446) [Carr].

Regarding claims 12 and 14, Carr discloses a method for transferring information from an information provider (fig. 1, enhanced service provider 10) to an information consumer (fig. 1, user of CPE 20) by means of a digital video

broadcasting system (fig. 1, cable distribution network 36) to a digital video broadcasting receiver (fig. 1, CPE 20) of the information consumer and by means of support of a secondary bi-directional transfer network (fig. 1, PSTN 24) to thereby enable an efficient information transfer when a demand to transfer information to the information consumer is originated by the information consumer (col. 7, lines 58-63), characterized in that the method comprises the following steps:

- The information consumer (20) establishing an initial contact with an information transfer point (fig. 1, split channel bridging unit 18) via the secondary bi-directional transfer network (24) with a request for an information transfer (col. 3 lines 10-19, col. 7 line 63 – col. 8 line 5) from the information provider (10) to the information consumer (20);
- The information consumer (20) providing the information transfer point (18), via the secondary bi-directional transfer network (24), with transfer configuration information comprising an original network identification (user request includes a code identifying the service provider which is used to establish contact, col. 8, lines 1-5);
- The information transfer point retrieving the requested information (col. 8 line 56 – col. 9 line 2);

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- The information provider (10) via the information transfer point (18), based on the transfer configuration information (col. 8, lines 5-25), transferring information over the digital video broadcasting system (col. 9, lines 2-18) to the digital video broadcasting receiver (20) of the information consumer to thereby transfer information from the information provide to the information consumer in an efficient way.

Regarding claim 13, Carr discloses the method of claim 12, and additionally discloses, based on the transfer configuration information, the information transfer point (18) can transfer the information to the digital video broadcasting receiver (20) of the predetermined information consumer over a selected transmitter in the digital video broadcasting system (col. 4, lines 3-12).

Regarding claim 19, Carr discloses a method for transferring information from an information provider (fig. 1, enhanced service provider 10) to an information consumer (fig. 1, user of CPE 20) by means of a digital video broadcasting system (fig. 1, cable distribution network 36) to a digital video broadcasting receiver (fig. 1, CPE 20) of the information consumer and by means of support of a secondary bi-directional transfer network (fig. 1, PSTN 24) to thereby enable an efficient information transfer when a demand to transfer information to the information consumer is originated by the information

consumer (col. 7, lines 58-63), characterized in that the method comprises the following steps:

- The information consumer (20) establishing an initial contact with an information transfer point (fig. 1, split channel bridging unit 18) via the secondary bi-directional transfer network (24) with a request for an information transfer (col. 3 lines 10-19, col. 7 line 63 – col. 8 line 5) from the information provider (10) to the information consumer (20);
- The information consumer (20) providing the information transfer point (18), via the secondary bi-directional transfer network (24), with transfer configuration information comprising what transport stream that the digital video broadcasting receiver of the information consumer receives (verification of the communication path between the consumer and the provider, col. 8, lines 21-25);
- The information transfer point (18) forwarding the information request and the transfer configuration information to the information provider (the bridging unit 18 is what facilitates the communications between the consumer and the service provider, col. 8, lines 21-25);
- The information provider (10), based on the transfer configuration information, transferring information over the digital video broadcasting system to the digital video broadcasting receiver of

the information consumer to thereby transfer information from the information provider to the information consumer in an efficient way (col. 9, lines 2-18).

Regarding claims 20 and 22, Carr discloses the method of claim 19, wherein the transfer configuration information also comprises an original network identification (user request includes a code identifying the service provider which is used to establish contact, col. 8, lines 1-5).

Regarding claim 21, Carr discloses the method of claim 19, and additionally discloses, based on the transfer configuration information, the information transfer point (18) can transfer the information to the digital video broadcasting receiver (20) of the predetermined information consumer over a selected transmitter in the digital video broadcasting system (col. 4, lines 3-12).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-10, 15, 17, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr in view of Norsworthy et al. (6,144,402) [Norsworthy].

Regarding claims 1 and 8, Carr discloses a method for transferring information from an information provider (fig. 1, enhanced service provider 10) to a predetermined information consumer (fig. 1, user of CPE 20) by means of a digital video broadcasting system (fig. 1, cable distribution network 36) to a digital video broadcasting receiver (fig. 1, CPE 20) of the predetermined information consumer and by means of support of a secondary bi-directional transfer network (fig. 1, PSTN 24) to thereby enable an efficient information transfer, characterized in that the method comprises the following steps:

- The information provider (10) establishing contact with an information transfer point (fig. 1, split channel bridging unit 18) for requesting transfer of information to the predetermined information consumer (packets must first transfer through the bridging unit, col. 3, lines 26-36);
- The information transfer point (18) retrieving access information of the predetermined information consumer based on the request from the information provider (the bridging unit must first identify how to contact a consumer, col. 4, lines 16-21, identifying the consumer with database 96, col. 5, lines 36-39);
- The information transfer point (18) establishing an initial contact with the predetermined information consumer based on the

retrieved access information about the predetermined information consumer (for sending data downstream over the digital video broadcasting network, the receiver end must first be programmed to received the data, col. 10, lines 30-57);

- The predetermined information consumer providing the information transfer point (18), via the secondary bi-directional transfer network (24), with transfer configuration information comprising an original network identification (original user requests includes a code identifying the service provider which is used to establish contact, col. 8, lines 1-5);
- The information provider (10) via the information transfer point (18), based on the transfer configuration information, transferring information over the digital video broadcasting system to the digital video broadcasting receiver of the predetermined information consumer (col. 9, lines 1-18) to thereby transfer information from the information provider to the predetermined information consumer in an efficient manner.

Carr fails to disclose the demand to transfer information to the predetermined information consumer is originated by the information provider.

In an analogous art, Norsworthy teaches automatically sending content data to users from a content provider (col. 8, lines 19-33), for benefits that include efficient bandwidth utilization (scheduling downloads to take place during

off peak hours, col. 8, lines 22-24), automatic technical updates which keep user equipment up to date (col. 8, lines 24-26), and event driven downloading of content (col. 8, lines 26-30).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Carr to include the demand to transfer information to the predetermined information consumer is originated by the information provider, as taught by Norsworthy, for the benefits of more efficient utilization of available bandwidth, automatic software updates for receiver equipment, and event driven downloading, such as stock quotes or news updates.

Regarding claim 2, Carr and Norsworthy disclose the method of claim 1, and additionally disclose, based on the transfer configuration information, the information transfer point (18) can transfer the information to the digital video broadcasting receiver (20) of the predetermined information consumer over a selected transmitter in the digital video broadcasting system (Carr, col. 4, lines 3-12).

Regarding claim 3, Carr and Norsworthy disclose the method of claim 1, and additionally disclose the access information of the predetermined information consumer (20) provides information of how contact can be made with the predetermined information consumer via the secondary bi-directional transfer

network (Carr teaches the database of the processor, col. 4, lines 16-21, also contains contact information, col. 5, lines 36-39) and that the step of establishing an initial contact with the predetermined information consumer (20) is done via the secondary bi-directional transfer network (24) based on the access information of the predetermined information consumer (the access information provides the network address of the user's personal computer for sending control information, Carr, col. 10, lines 43-50).

Regarding claim 4, Carr and Norsworthy disclose the method of claim 3, and additionally disclose if the step of establishing initial contact with the predetermined information consumer (20) via the secondary bi-directional transfer network (24) cannot be concluded then a broadcast over the digital video broadcasting system is performed to alert the predetermined information consumer to establish contact with the information transfer point (the receiver equipment is periodically switched to a broadcast channel which carries an alert message being broadcast, Carr, col. 12, lines 34-50).

Regarding claims 5 and 7, Carr and Norsworthy disclose the method of claims 4 and 6, and additionally disclose if the information transfer point (18) after a timeout has not been able to establish contact (Carr, col. 11, lines 50-55) with the predetermined information consumer (20), but fails to disclose the information

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provider is notified that the predetermined information consumer cannot be positively reached.

Examiner take official notice that it is notoriously well known in the art to notify senders of information that recipients cannot be reached. Such notifications inform senders that connection attempts are unsuccessful and that the desired transfer of data will not take place.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Carr and Norsworthy to include notifying the information provider that the information consumer cannot be positively reaches, informing the information provider that the desired transfer of data will not take place and allowing the provider to take further steps based on this knowledge, such as attempting the transfer at a different time or resorting to an alternate means to reach the consumer.

Regarding claim 6, Carr and Norsworthy disclose the method of claim 1, and additionally disclose the access information of the predetermined information consumer (20) provides information of how the predetermined information consumer (20) is to be contacted by means of broadcasting over the digital video broadcasting system (Carr teaches the access information identifies which cable headend services the consumer, col. 4, lines 16-21, which is then used to broadcast alert messages, col. 11 line 55 – col. 12 line 22) to thereby alert the

predetermined information consumer to establish contact with the information transfer point (Carr, col. 12, lines 22-25).

Regarding claims 9 and 15, Carr and Norsworthy disclose the method of claim 1 and Carr discloses the method of claim 12. Carr and the combination of Carr and Norsworthy as applied above both fail to disclose the information transfer point based on the transfer configuration information determines when and with what transport stream the information transfer is to take place and by means of the secondary bi-directional transfer network notifies the predetermined information consumer of when and with what transport stream the information transfer is to take place.

Norwsorthy additionally discloses the information transfer point based on the transfer configuration information determines when and with what transport stream the information transfer is to take place and notifies the predetermined information consumer of when and with what transport stream the information transfer is to take place (providing the same data to multiple users at once is more efficient when scheduled ahead of time and broadcast over the network, col. 8, lines 34-45).

It would have been obvious at the time to a person of ordinary skill in the art to further modify the method of Carr and Norsworthy to include determining when and with what transport stream the information transfer is to take place notifies the predetermined information consumer of when and with what transport

stream the information transfer is to take place, as taught by Norsworthy, as providing the same data to multiple users at once is a more efficient use of bandwidth when scheduled ahead of time and broadcast over the network. The notification would be via the secondary bi-directional transfer network, which is the means by which control information is transmitted to customers (Carr, col. 10, lines 43-50).

Regarding claims 10, 17, and 23, Carr and Norsworthy disclose the method of claim 1 and Carr discloses the method of claim 12. Carr additionally discloses encoding the information to be transfer by either by the information provider or by the information transfer point and decoding the transferred information in the digital video broadcasting receiver of the predetermined information consumer (col. 5 line 67 – col. 6 line 2), but fails to disclose the information transfer point transfers a crypto key to the predetermined information consumer by means of the secondary bi-directional transfer network.

Examiner take official notice that it is notoriously well known in the art to transfer the crypto key which would allow a receiver to decrypt received encrypted data over a PSTN (the secondary bi-directional transfer network of Carr, fig. 1, PSTN 24), enhancing security, as a switched network is more secure than a broadcast network in transferring sensitive data, and a dynamically updateable and changeable crypto key is more secure and a fixed, locally resident private key.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Carr and the method disclosed by Carr and Norsworthy to include the information transfer point transfers a crypto key to the predetermined information consumer by means of the secondary bi-directional transfer network, for the benefit of further enhancing the security of encrypted signals by transferring dynamic and changing decryption keys to consumers over a secure network.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carr and Norsworthy as applied to claim 1 above, and further in view of Selim et al. (4,688,171) [Selim].

Regarding claim 11, Carr and Norsworthy disclose the method of claim 1, but fail to disclose transferring checksums of the information that has or will be transferred via the digital video broadcasting system, via the secondary bi-directional transfer network to the predetermined information consumer, checking the transferred information if it is uncorrupted based on the transferred checksums, checking in the digital video broadcasting receiver of the predetermined information consumer or by the predetermined information consumer, the digital video broadcasting receiver of the predetermined information consumer or the predetermined information consumer requesting, via the second bi-directional transfer network of the information transfer point a resending of corrupted transferred information.

In an analogous art, Selim teaches using checksums to verify transferred data, and issuing a re-transmission request if a checksum error is detected (col. 5, lines 48-53), ensuring data is properly transferred without error.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Carr and Norsworthy to include using checksums to verify transferred data and issuing a re-transmission request if a checksum error is detected, as taught by Selim, for the benefit of ensuring all data is properly received the consumer without error.

9. Claims 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr in view of Selim.

Regarding claims 18 and 24, Carr discloses the method of claims 12 and 19, but fails to disclose transferring checksums of the information that has or will be transferred via the digital video broadcasting system, via the secondary bi-directional transfer network to the predetermined information consumer, checking the transferred information if it is uncorrupted based on the transferred checksums, checking in the digital video broadcasting receiver of the predetermined information consumer or by the predetermined information consumer, the digital video broadcasting receiver of the predetermined information consumer or the predetermined information consumer requesting, via the second bi-directional transfer network of the information transfer point a resending of corrupted transferred information.

In an analogous art, Selim teaches using checksums to verify transferred data, and issuing a re-transmission request if a checksum error is detected (col. 5, lines 48-53), ensuring data is properly transferred without error.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Carr to include using checksums to verify transferred data and issuing a re-transmission request if a checksum error is detected, as taught by Selim, for the benefit of ensuring all data is properly received the consumer without error.

10. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carr in view of Schlafly (4,734,858).

Regarding claim 16, Carr discloses the method of claim 12, but fails to disclose the information transfer point confirms the availability or non-availability of the requested information to the information consumer.

In an analogous art, Schlafly teaches confirming the availability or non-availability of requested items to consumers (col. 8, lines 9-21), for the benefit of informing consumers as to availability of items from a provider.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Carr to include confirming the availability or non-availability of requested items to consumers, as taught by Schlafly, for the benefit of informing consumers as to availability of different information items from the information provider.

Conclusion

11. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on M-F 10-7.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli
Patent Examiner
Art Unit 2611

DS


HAITRAN
PRIMARY EXAMINER